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FROM: BONN

TO: Secretary of State

NO: 2686, MAY 29, 7 PM

PRIORITY

SENT DEPARTMENT 2686, REPEATED INFORMATION LONDON 707, PARIS 920, MOSCOW 330, BERLIN 919.

REFERENCE: EMBTEL 2560, MAY 14, 1959

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EMBASSY HAS RECEIVED MAY 7 PAPER TITLED "ALLIED COUNTER HARASSMENT OF SOVIET BLOC TRANSPORTATION" AND OFFERS FOLLOWING COMMENTS SUPPLEMENTING THOSE REFTEL:

1. IN VIEW SPECIAL INTEREST FEDREP IN ANY MEASURES THAT MIGHT BE TAKEN MEET THREATS TO ALLIED WELL AS GERMAN ACCESS AND NEED FOR ITS FULL COOPERATION IN COUNTER-HARASSMENT PLANS, SEEMS TO US FURTHER DISCUSSION COUNTER-MEASURES AND RELATED PROBLEMS SHOULD BE CONDUCTED ON QUADRIPARTITE RATHER THAN TRIPARTITE BASIS. CERTAINLY, QUADRIPARTITE DISCUSSIONS IN WHICH GERMANS WOULD PARTICIPATE SHOULD BE ARRANGED BEFORE QUESTIONS ARE RAISED IN BROADER NATO FORUM.

2. PAPER SEEMS CONFINE ITSELF WHOLLY TO ACTION AGAINST SOVIET-EAST GERMAN HARASSMENT ALLIED ACCESS BERLIN. CONSIDERATION DOES NOT SEEM BEEN GIVEN MEASURES TO COUNTER HARASSING ACTION THAT MIGHT BE TAKEN AGAINST GERMAN ACCESS BETWEEN FEDREP AND BERLIN. WE MAY ASSUME FEDREP WOULD BE CONCERNED, AS WE SHOULD BE, WITH MEASURES WE MIGHT HAVE IN RESERVE IN EVENT HARASSMENT WHICH IN FIRST INSTANCE DIRECTED AGAINST ALLIED DEVELOPERS INTO BROADER MEASURES AGAINST WEST GERMAN ACCESS AS WELL. WOULD SEEM TO US CONSIDERATION AND PREPARATION IS ALSO

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-2- 2686, MAY 29, 7 PM, FROM BONN

REQUIRED FOR MEASURES TO BE TAKEN IN THESE CIRCUMSTANCES. IN FACT, GIVEN PRESENT COURSE DEVELOPMENTS, WE FEEL CONSIDERATION SHOULD BE GIVEN COMPLETE RANGE MEASURES WHICH MIGHT BE TAKEN TO COUNTER A CONTINUE OF HARASSMENTS UP TO AND INCLUDING TOTAL BLOCKADE WEST BERLIN.

3. WE HAVE CERTAIN RESERVATIONS ABOUT THE CONCERN FOR LEGAL NICETIES IN SOME INSTANCES WHERE COUNTER ACTION IS CALLED FOR. WE ARE THINKING PARTICULARLY ABOUT CASE LEND LEASE VESSELS, WHICH IT IS ARGUED SHOULD NOT BE REPOSSESSED BECAUSE CERTAIN SOVIET CLAIMS. AS WE SEE IT, ACTIONS UNDER CONSIDERATION ARE BEING TAKEN IN RETALIATION FOR EXTRA LEGAL, IF NOT ILLEGAL, ACTIONS BY SOVIETS AND CIRCUMSTANCES WOULD SEEM WARRANT IN CERTAIN INSTANCES OUR IGNORING QUESTION LEGALITY SPECIFIC COUNTER-MEASURES.

4. ALTHOUGH PAPER POINTS OUR COUNTER-HARASSMENT MUST BE TAKEN CONJUNCTION OTHER POLITICAL AND MILITARY ACTION, WE WONDER WHETHER IT NOT NECESSARY FOR PAPER SPELL OUT TIE-IN BETWEEN COUNTER-HARASSMENT AND POSSIBLE MILITARY ACTION IN SUCH INSTANCES WHERE SOVIETS, FOR EXAMPLE, INSIST UPON INSPECTION OUR VEHICLES, BUZZING OUR AIRCRAFT, OR HOLDING UP OUR CONVOYS INDEFINITELY. IN OUR CONTINGENCY PLANNING AS IT NOW STANDS, THESE ACTIONS CALL FOR A PROBE OR PROBES OF SOVIET INTENTIONS AND TO SOME DEGREE INVOLVE MILITARY ACTION OUR PART. IN ILLUSTRATION CITED IN PAPER, HOWEVER, THIS ASPECT SEEMS BEEN PASSED OVER AND EVEN IGNORED.

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